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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2005 Assembly Bill 90</b>	<b>Assembly Amendment 1</b>
<i>Memo published: February 22, 2005</i> <i>Contact: Don Dyke, Chief of Legal Services (266-0292)</i>	

Assembly Bill 90 allows either party to a municipal court judgment that is appealed to circuit court for a new trial to request a jury trial. Currently, only the party appealing may request a jury trial.

Assembly Amendment 1 addresses the time for requesting a jury trial. As drafted, the bill requires the request to be made within 10 days after either the request or the order for a new trial. Because there will always be an order for a new trial, whether the new trial is at the request of a party or on the court's own motion, there is some ambiguity in the language of the bill linking the request for a jury trial to either the request or order for a new trial. Assembly Amendment 1 provides simply that the request for a jury trial is to be made within 10 days after the court's order for a new trial.

### Legislative History

Assembly Amendment 1 to the bill was offered by the Assembly Committee on Judiciary, which recommended adoption of the amendment by a vote of Ayes, 7; Noes, 0.

DD:rv;jal